



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/413,642	10/06/1999	KEN SAKAKIBARA	35.13892	2258

5514 7590 08/26/2005

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

HEWITT II, CALVIN L

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/413,642

Applicant(s)

SAKAKIBARA ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-21 and 23-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-21 and 23-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Status of Claims***

1. Claims 1, 3-21, and 23-44 have been examined.

### ***Response to Amendments/Arguments***

2. Applicant is of the opinion that the prior art does not teach nor suggest a class organization icon that allows for an organization chart to be displayed (see amended claim 1). The Examiner respectfully disagrees. It has been held that an obvious modification to a prior art reference would be to changed an aesthetic design (*In re Seid*, 161 F.2d 229, 231, 73 USPQ 431, 433 (CCPA 1947)). Therefore as Ludwig et al. disclose a rolodex function (figure 20) and a collaboration initiator (figures 8C and 22) using lists and directories (column/line 18/60-19/18; column 21, lines 55-67) and icons for accessing said functions (figure 2A, 8C, 20, and 35-42, item 206) it would have been obvious to arrange said "collaboration initiator" to reflect an organizational hierarchy, using a tree-like structure or placing the highest ranking member first (e.g. "Griner"- figure 22). And as a Ludwig et al. disclose graphical rolodexes, (column/line 18/60-19/18) the prior art at least suggests multiple organizations and therefore multiple charts. However, it is important to realize that an organizational chart does not necessarily imply a hierarchy, but just a listing of names of members of an

organization, therefore, the Ludwig et al. reads directly on Applicant's claims (e.g. a chart that lists the names of a corporation in alphabetical order- column/line 18/60-19/18).

Regarding the "vacancy" of a virtual meeting room (new claims 42-44), Ludwig et al. teach displays that allow users to place and receive videoconferencing calls (figures 2A-B, 8A-C, 18A-B, 20, 22, 34, 37, 38 and 41). Using this capability a user is provided with information about a virtual meeting room as the user can view the virtual room (figures 2A-B, 8A-C, 18A-B, 20, 22, 34, 37, 38 and 41) and can determine whether or not a virtual office is occupied or vacant (e.g. a user(s) has left the room). Ludwig et al. provide an e-mail function (figure 31D; column/line 33/50-34/10; column/line 35/65-36/5). The Examiner takes Official Notice that rooms that are set aside for conferences is old and well known. Hence, an electronic mail message (figure 31D; column/line 33/50-34/10) to a user informing said user of the status of an intended meeting room conveys information when the virtual room will and will not be occupied.

Ludwig et al. teach also teach a dialog box for one-on-one communication between users in response to designating a virtual room of a selected user (figures 8A-C; column/line 21/35-22/15; column 23, lines 9-20).

The following is a reminder (Office Action dated, 28 September 2003). The following assertion of facts has gone unchallenged and are considered admitted prior art:

- message that informs a caller of the status (e.g. "on vacation", "on the other line", "at a meeting", "out to lunch" or "resting") of a desired party (i.e. user/subscriber)
- displaying a static user's image during a two-way multimedia exchange

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8-13, 16, 21, 23-25, 28-33, 36 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294.

As per claim 1-5, 8-13, 16, 21-25, 28-33, 36, and 41, Ludwig et al. teach a distributed office system where remote users communicate using videoconferencing that displays an information aggregate including:

- user's working situation (figures 2A-B, 38-40)
- displaying data (e.g. character data) regarding a user's work situation, operation content and/or name (figures 2A-B, 8A-B, 37)

- displaying character data that is updated on the basis of each user's operation (figures 2A-B, 36, 37, 40 and 41; column 15, lines 10-31; column 26, lines 15-35; column 27, lines 5-41)
- displaying a user office and diagram image (figures 38-40)
- displays information concerning the plurality of users (figures 2A-B, 38-40)
- selecting of a user to be displayed and controlling how data is displayed (figures 37-40; column/line 26/15-27/5)
- communicating with users in different windows (figure 2A-B, 8A-B, 38-40)
- selecting means for selecting another user's office, input means to visit another the selected users office, displaying the user's office including work situation and fixtures (figures 8A-C)
- a server device that makes calls to the registered number of a selected user via a telephone board (figures 20-24; column/line 18/33-20/33; column 20, lines 65-67; column 21, lines 11-35; column 25, lines 3-45)
- cameras for capturing user images, image compression, conversion, image transmission to a server device, image display on a terminal device (figures 1, 2A-B, 4, 18A-B, 21, 31A-C; column

10, lines 12-67; column 12, lines 45-55; column 17, lines 54-67;  
column 30, lines 11-67)

Regarding working situation display of a virtual user common space, this is taught by Ludwig et al.. Ludwig et al. implement their system using portable devices thus and therefore videoconferencing can take place anywhere. For example, Ludwig et al. teach a conference that includes an outdoors caller in Central Mexico (figure 42; column 38, lines 22-36).

Regarding displaying at least two types of information for each user and a virtual room display means for displaying, for each user, diagram images indicating the user's virtual single-room office on the screen of the terminal device of the user, Ludwig et al. disclose a videoconferencing system where a workstation displays a user's working situation image and character information concerning the user's working situation (figures 2B, 8C, 22, 34, 36, 37, 40 and 41). Similarly, Ludwig et al. also provide display means for displaying the virtual office of the videoconferencing participants (figures 2B, 8C, 22, 34, 36, 37, 40 and 41). Ludwig et al. do not explicitly recite "single room office". However, as the system of Ludwig et al. display the user(s) in whatever environment he or she is (they are)

in, be it indoors or outdoors (figures 2B, 8C, 40-42), it would necessarily encompass those participants who are broadcasting from a single room office.

Regarding a diagram image indicating an entrance door with a window for viewing a working situation, this is a merely ornamental and/or a matter of design choice. Therefore, it would have been obvious for a user to display on a user terminal device any image that the user that finds pleasing such as an office door icon instead of a face icon (figure 2A) to initiate and conduct videoconferencing and arrange videoconferencing participants on the screen by organization. Ludwig et al. teach a window used to view a user's working situation and surroundings (figures 2A-B, 8A-B, 37; column 15, lines 17-23). Further, Ludwig et al. read on the following: a conference call conducted between several organizations where each party is located in an onsite conference room at the party's respective organization teaches Applicant's organizational grouping (figures 37 and 38). Similarly, Ludwig et al. also teach "a class organization icon" where an organization is represented (figures 2B and 22- "video phone" window , figure 8C- "collaboration initiator" window). Therefore, as different entities (e.g. manager, director, assistant, etc.) within an organization are old and well known. Ludwig et al. necessarily at least suggest (figure 8C- "collaboration initiator" window) displaying a



director, manager, etc. However, it is important to realize that neither the "door" nor the "arrangement of images" provide additional functionality therefore, differences if they exist do not distinguish Applicant's claims from the prior art. Claim 1 has been amended to include a changing means for changing a display of a first department into a display of a second group of the user's virtual single rooms of a second department in response to selecting the second department indicated in the organization chart. However, this is taught by Ludwig et al. as Ludwig et al. teach a videoconferencing system that allows a user to hang up on one party and call another.

5. Claims 6, 7, 18-20, 26, 27 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Brunson et al., U.S. Patent No. 5,760,823.

Ludwig et al. teach a videoconferencing system that allows users simulate a face-to-face exchange over a remote network comprising: multimedia mail messages (column 6, lines 38-50; column 37, lines 57-67), management of videoconference calls that includes the system operating in "telephone mode" using telephonic techniques such as left messages, "hang up", "hold", "resume" and "refuse"(column 22, lines 1-43; column 23, lines 8-39; column/line 35/36-

36/13), the use of a face icon corresponding to a user when the user is not communicating with a caller (column 23, lines 30-39), as well as video phones (figure 37; column 36, lines 1-15). Ludwig et al. also teach audio/visual messages that inform a user of the time of day or to remind the user of a time sensitive event (column 40, lines 26-33). However, Ludwig et al. do not specifically teach visual messaging. Brunson et al. teach a universal mailbox that stores incoming audio and video messages (abstract; figures 3, 6, 11-13; column/line 2/5-3/55) and receives input from audio and touch-tone ports and video workstations (column 5, lines 12-24). The system of Brunson et al. also operates like an answering service (such as Audix –column 6, lines 13-23) or machine in that a subscriber or user can leave a personal visual greeting (column 7, lines 5-40). Therefore, regarding a message that informs a caller that the desired party (i.e. user/subscriber) is “on vacation”, “on the other line”, “at a meeting”, “out to lunch” or “resting” what have been obvious to one of ordinary skill as such greeting well known in the art of telephonic and/or electronic messaging. Hence, it is a matter of design choice as to what type of visual greeting the user or subscriber wishes to leave. Therefore, it would have been obvious to one of ordinary skill of the art to combine the teachings of Ludwig et al. and Brunson et al. The motivation is as follows:

By implementing the video messaging with the system of Ludwig et al., the Expert can inform (or remind) organizations of his consulting hours, in the event

a call is placed outside the time he/she has allotted for advising clients ('294, column 40, lines 25-35).

6. Claims 14, 15, 17, 34, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al., U.S. Patent No. 5,802,294 as applied to claims 1 and 21 above, and further in view of Palmer et al., 6,195,683.

As per claims 14, 15, 17, 34, 35 and 37, Ludwig et al. teach a teleconferencing system that utilizes an architecture arrangement that accommodates users with varying multimedia handling capabilities (column 3, lines 42-50) and video workstations that receive video transmissions from laptop at a reduced frame rate (column 38, lines 31-49). Regarding the displaying of a registered user's image when no camera is available, Ludwig et al. teach the use of laptops with reduced functionality (column 15, lines 1-9), registering of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). The Examiner takes Official Notice that the displaying of a user's image during a two-way multimedia exchange are well known. For example, during cable and television news segments, if a foreign correspondent is at a location that doesn't support the transmission of video data, a station will often provide viewers with a still image of the foreign correspondent and a map identifying his or her whereabouts. Therefore, it would have been obvious to display a registered image of a client or co-worker using a laptop with

reduced capabilities in order to identify him or her to videoconferencing participants and to prevent lewd or offensive material from being displayed. Ludwig et al. also teach the registration of service applications (column/line 20/65-21/12) and arranging connections based on registered data (column 38, lines 31-40). However, Ludwig et al. do not teach frame rate control. Palmer et al. teach a system that allows participants to optimize the delivery of multimedia content during video-teleconference (abstract). In particular, Palmer et al. allow users to control the frame rate of video content (figure 10, 21, 22; column/line 10/64-11/22; column 16, lines 40-60; column 17, lines 45-67; column 21, lines 7-18). Therefore, it would have been obvious to combine the teachings of Ludwig et al. and Palmer et al. The motivation is as follows:

By providing users of the Ludwig et al. system with multimedia transmission controls high performance videoconferencing can be conducted in real-time and without regard to bandwidth ('683, column 5, lines 17-32).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (571) 272-6712.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
c/o Technology Center 2100  
Washington, D.C. 20231

or faxed to:

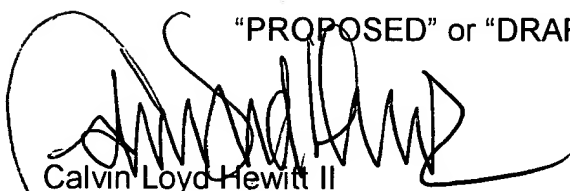
Art Unit: 3621

(571) 273-8300 (for formal communications intended for entry and  
after-final communications),

or:

(571) 273-6709 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

A handwritten signature in black ink, appearing to read "Calvin Hewitt II", is written over the printed name. The signature is stylized with a large initial 'C' and a long horizontal stroke.

Calvin Loyd Hewitt II

August 20, 2005